

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

RP.No. 682 of 2007(J)

AGAINST THE JUDGEMENT/ORDER IN WPC.13540/2006 Dated 29/08/2006

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REVIEW PETITIONER/RESPONDENT

THE DIRECTOR OF MUNICIPAL AFFAIRS,
PUBLIC OFFICE BUILDING,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.P. NANDAKUMAR

RESPONDENT/PETITIONER

M.VIJAYAN NAMBIAR,
MUNICIPAL HEALTH SUPERVISOR(RETIRED).

BY ADV. SRI.M.RAJASEKHARAN NAIR

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 23/08/2007,
ALONG WITH COC NO. 851 OF 2007 THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

ANTONY DOMINIC, J.

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R.P. No. 682 of 2007 &
C.O.C. No. 851 OF 2007
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Dated this the 23rd August, 2007

O R D E R

W.P.(C) No. 13540 of 2006 was disposed of by judgment dated 29-8-2006 directing that the monetary benefits due to the petitioner under Exts. P4 and P5 shall be worked out and disbursed as early as possible. The writ petitioner has filed Contempt of Court Case as C.O.C. No. 851 of 2007 complaining that the judgment has not been implemented.

2. Meanwhile respondents in the writ petition have filed R.P. No. 682/07 seeking review of the judgment. The ground on which review of the judgment is sought is mainly relying on Annexures C and D orders produced along with the Review Petition. It is seen from Annexure C order dated 16-12-1972 that the entire service of the panchayat employees who were absorbed in the Municipal Common Service consequent on the conversion of Panchayats into Municipalities will be reckoned for purpose of fixation of their rank and

seniority in the equated categories in the Municipal Common Service. Subsequently, by Annexure D order dated 24-11-1998 the Government have clarified the term 'equated category' by stating that it will be construed as the post having the same scale of pay or in the absence of a post having the same scale of pay in the Municipal Common Service, the next lower scale of pay.

3. The Govt. Pleader would submit that it was without taking note of this aspect that the Government passed Exts. P4 and P5 order which were ordered to be implemented by the learned Single Judge. It is pointed out that the post of Junior Health Inspector Grade I is the post which falls under the equated category in terms of Annexure C and D orders. It is pointed out that steps have been taken and notices have been issued to correct such erroneous orders issued in the past and Annexure A issued to the petitioner in the writ petition and Annexure B issued to yet another person are referred to in this context. It is noticed that on absorption into the Municipal Common Service initially the petitioner was absorbed in the post of Junior Health Inspector Grade I. Now that reference has been made to Annexures C and D, fixation initially given is

correct and therefore the equation granted to the post of Health Inspector Grade II with effect from 1-1-1973 by Exts. P4 and P5 is incorrect. If that be so, the judgment to that extent need to be reviewed.

4. In view of this, the judgment of the learned Single Judge will stand reviewed and it is directed that the petitioner will be absorbed in the equated category of Junior Health Inspector Grade I with effect from his date of absorption in the Municipal Common Service and his seniority and rank will be fixed reckoning his entire Panchayat service. Arrears, if any, that are due to him in terms of the Government Orders will be paid as expeditiously as possible, at any rate within a period of 3 months from the date of receipt of a copy of this order.

5. In view of the order now passed in the Review Petition, I close the Contempt of Court Case also.

Review Petition and the Contempt of Court Case will stand disposed of as above.

ANTONY DOMINIC
JUDGE

jan/-